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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,254	11/01/2000	Blaine Garst	10010.1070C	3557

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EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,254

Applicant(s)

GARST ET AL.

Examiner

Cristina O Sherr

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mw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 84-92 and 94-147 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 84-92 and 94-147 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed 24 December 2003. Claims 1-83 were previously canceled. Claim 93 is currently canceled. Claims 84, 106 and 127 are currently amended. Claims 84-92 and 94-147 are pending in this case.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 9 February 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Response to Arguments

3. Applicant's arguments filed 24 December 2003 have been fully considered but they are not persuasive. Applicant argues, with respect to claims 84-92 and 94-147 that Davis does not disclose a method or apparatus for limiting use of software resources by a software program. Attention is directed to Davis (US 5,568,552) at e.g. col 3 ln 47-60.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 84-92 and 94-104 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis (US 5,568,552).

6. Regarding claim 84 –

Davis discloses, in a computer operating environment comprising a software program and a software resource, an apparatus for limiting use of said software resource by said software program, comprising: an access authorization indicator associated with a software program, said access authorization indicator comprising one or more license terms for use of a software resource by said software program; and, a digital signature of said access authorization indicator (col 3 ln 47-60).

7. Regarding claim 85 –

Davis discloses the apparatus of claim 84 further comprising: means in said software resource for reading said access authorization indicator; means in said software resource for determining whether said access authorization indicator is valid; and, means for allowing said software program to use said software resource only if said access authorization indicator is determined to be valid (Col 5 ln 33-48).

8. Regarding claim 86 –

Davis discloses the apparatus of claim 85 wherein said access authorization indicator comprises terms of a site license (col 5 ln 42-49).

9. Regarding claim 87 –

Davis discloses the apparatus of claim 85 wherein said access authorization indicator is embedded in said software program (col 7 ln 10-28).

10. Regarding claim 88 –

Davis discloses the apparatus of claim 85 wherein said software resource comprises an API (col 7 ln 41-62).

11. Regarding claim 89 –

Davis discloses the apparatus of claim 85 wherein said software resource comprises a runtime library (col 7 ln 56-62).

12. Regarding claim 90 –

Davis discloses the apparatus of claim 85 wherein said software resource comprises a dynamic link library (col 7 ln 29-40).

13. Regarding claim 91 –

Davis discloses the apparatus of claim 85 wherein said software resource comprises an applet (Col 5 ln 19-32).

14. Regarding claim 92 –

Davis discloses the apparatus of claim 85 wherein said software resource comprises a byte code package (col 5 ln 25-32).

15. Regarding claim 94 –

Davis discloses the apparatus of claim 85 wherein said software resource comprises an OLE enabled application program (col 6 ln1-15).

16. Regarding claim 95 –

Davis discloses the apparatus of claim 87 wherein said access authorization indicator is specified in a constant declaration area of said software program (col 6 ln 48-62).

17. Regarding claim 96 –

Davis discloses the apparatus of claim 87 wherein said access authorization indicator comprises a property of a property list of said software program (Col 6 ln 24-32).

18. Regarding claim 97 –

Davis discloses the apparatus of claim 85 further comprising an identifier associated with said access authorization indicator and wherein said means for determining the validity of said access authorization indicator comprises means for determining whether said access authorization indicator is valid based on said identifier (col 7 ln 29-40).

19. Regarding claim 98 –

Davis discloses the apparatus of claim 97 further comprising means for receiving said identifier from an end user (col 8 ln 3153).

20. Regarding claim 99 –

Davis discloses the apparatus of claim 98 further comprising means for storing said identifier in said software resource (col 7 ln 23-29).

21. Regarding claim 100 –

Davis discloses the apparatus of claim 97 wherein said identifier is embedded in said software program (col 7 ln 29-35).

22. Regarding claim 101 –

Davis discloses the apparatus of claim 100 wherein said identifier is specified in a constant declaration area of said software program (col 6 ln 48-62).

23. Regarding claim 102 –

Davis discloses the apparatus of claim 100 wherein said identifier comprises a property of a property list of said software program (Col 6 ln 24-32).

24. Regarding claim 103 –

Davis discloses the apparatus of claim 97 wherein said means for determining whether said access authorization indicator is valid based upon said identifier comprises a means for digital signature authentication (col 7 ln 29-40).

25. Regarding claim 104 –

Davis discloses the apparatus of claim 85 further comprising means for determining whether said one or more license terms are met (col 5 ln 42-49).

26. Regarding claim 105 –

Davis discloses the apparatus of claim 97 wherein said software program comprises said access authorization indicator and said identifier; said access authorization indicator comprises terms of a license for use of said software resource; said identifier comprises a digital signature of said access authorization indicator (Col 5 ln 33-48).

27. Claims 106-126 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis (US 5,568,552).

28. Regarding claim 106 –

Davis discloses in a computer operating environment, a method for limiting use of a software resource by a software program comprising: receiving a request from a software program to use a software resource; obtaining an access authorization indicator associated with said software program, said access authorization indicator comprising one or more license terms for use of said software resource by said software program; and obtaining a digital signature of said access authorization indicator (col 3 ln 47-60).

29. Regarding claim 107 –

Davis discloses the method of claim 106, further comprising: determining whether said access authorization indicator is valid; and, allowing said software program to use said software resource only if said access authorization indicator is determined to be valid (col 7 ln 29-40).

30. Regarding claim 108 –

Davis discloses the method of claim 107 wherein said one or more license terms comprises a site license (col 7 ln 41-50).

31. Regarding claim 109 –

Davis discloses the method of claim 107 wherein said access authorization indicator is embedded in said software program (col 3 ln 47-60).

32. Regarding claim 110 –

Davis discloses the method of claim 107 wherein said software resource comprises an API (col 6 ln 1-15).

33. Regarding claim 111 –

Davis discloses the method of claim 107 wherein said software resource comprises a runtime library (col 9 ln 12-18).

34. Regarding claim 112 –

Davis discloses the method of claim 107 wherein said software resource comprises a dynamic link library (Col 9 ln 20-24).

35. Regarding claim 113 –

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Davis discloses the method of claim 107 wherein said software resource comprises an applet (col 6 ln1-15).

36. Regarding claim 114 –

Davis discloses the method of claim 107 wherein said software resource comprises a byte code package (col 6 ln1-15).

37. Regarding claim 115 –

Davis discloses the method of claim 107 wherein said software resource comprises an OLE enabled application program (col 6 ln1-15).

38. Regarding claim 116 –

Davis discloses the method of claim 109 wherein said access authorization indicator is specified in a constant declaration area of said software program (col 6 ln 48-62).

39. Regarding claim 117 –

Davis discloses the method of claim 109 wherein said access authorization indicator comprises a property of a property list area of said software program (Col 6 ln 24-32).

40. Regarding claim 118 –

Davis discloses the method of claim 107 wherein said determining the validity of said access authorization indicator comprises determining whether said access authorization indicator is valid based on an identifier associated with said access authorization indicator (col 7 ln 29-40).

41. Regarding claim 119 –

Davis discloses the method of claim 118 further comprising accepting said identifier from a user (col 7 ln 29-40).

42. Regarding claim 120 –

Davis discloses the method of claim 119 further comprising storing said identifier in said software resource (col 7 ln 23-29).

43. Regarding claim 121 –

Davis discloses the method of claim 118 wherein said identifier is embedded in said software program (col 7 ln 29-35).

44. Regarding claim 122 –

Davis discloses the method of claim 121 wherein said identifier is specified in a constant declaration area of said software program (col 6 ln 48-62).

45. Regarding claim 123 –

Davis discloses the method of claim 121 wherein said identifier comprises a property of a property list area of said software program (Col 6 ln 24-32).

46. Regarding claim 124 –

Davis discloses the method of claim 118 wherein a digital signature authentication means is used in determining whether said access authorization indicator is valid based upon said identifier (Col 6 ln 30-32).

47. Regarding claim 125 –

Davis discloses the method of claim 107 further comprising determining whether said terms of said license are met (Col 6 ln 24-32).

48. Regarding claim 126 –

Davis discloses the method of claim 118 wherein said software program comprises said access authorization indicator and said identifier; said access authorization indicator

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comprises terms of a license for use of said software resource; said identifier comprises a digital signature of said access authorization indicator (col 3 ln 47-60).

49. Claims 127-147 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis (US 5,568,552).

50. Regarding claim 127 –

Davis discloses a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for limiting use of a software resource by a software program, said method comprising: receiving a request from a software program to use a software resource; obtaining an access authorization indicator associated with said software program, said access authorization indicator comprising one or more terms of a license for use of said software resource by said software program; and, obtaining a digital signature of said access authorization indicator (col 3 ln 47-60).

51. Regarding claim 128 –

Davis discloses the program storage device of claim 127, further comprising: determining whether said access authorization indicator is valid; and, allowing said software program to use said software resource only if said access authorization indicator is determined to be valid (col 7 ln 29-40).

52. Regarding claim 129 –

Davis discloses the program storage device of claim 128 wherein said one or more license terms comprises a site license (col 7 ln 29-40).

53. Regarding claim 130 –

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Davis discloses the program storage device of claim 128 wherein said access authorization indicator is embedded in said software program (col 7 ln 10-28).

54. Regarding claim 131 –

Davis discloses the program storage device of claim 128 wherein said software resource comprises an API (col 7 ln 41-62).

55. Regarding claim 132 –

Davis discloses the program storage device of claim 128 wherein said software resource comprises a runtime library (col 7 ln 56-62).

56. Regarding claim 133 –

Davis discloses the program storage device of claim 128 wherein said software resource comprises a dynamic link library (col 7 ln 56-62).

57. Regarding claim 134 –

Davis discloses the program storage device of claim 128 wherein said software resource comprises an applet (col 7 ln 56-62).

58. Regarding claim 135 –

Davis discloses the program storage device of claim 128 wherein said software resource comprises a byte code package (col 7 ln 56-62).

59. Regarding claim 136 –

Davis discloses the program storage device of claim 128 wherein said software resource comprises an OLE enabled application program (col 7 ln 56-62).

60. Regarding claim 137 –

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Davis discloses the method of claim 130 wherein said access authorization indicator is specified in a constant declaration area of said software program (col 7 ln 56-62).

61. Regarding claim 138 –

Davis discloses the program storage device of claim 130 wherein said access authorization indicator comprises a property of a property list area of said software program (Col 6 ln 24-32).

62. Regarding claim 139 –

Davis discloses the program storage device of claim 128 wherein said determining the validity of said access authorization indicator comprises determining whether said access authorization indicator is valid based on an identifier associated with said access authorization indicator (Col 6 ln 30-32).

63. Regarding claim 140 –

Davis discloses the program storage device of claim 139 wherein said method further comprises accepting said identifier from a user (col 7 ln 29-40).

64. Regarding claim 141 –

Davis discloses the program storage device of claim 140 wherein said method further comprises storing said identifier in said software resource (col 7 ln 23-29).

65. Regarding claim 142 –

Davis discloses the program storage device of claim 139 wherein said identifier is embedded in said software program (col 7 ln 23-29).

66. Regarding claim 143 –

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Davis discloses the program storage device of claim 142 wherein said identifier is specified in a constant declaration area of said software program (col 6 ln 48-62).

67. Regarding claim 144 –

Davis discloses the program storage device of claim 142 wherein said identifier comprises a property of a property list area of said software program (Col 6 ln 24-32).

68. Regarding claim 145 –

Davis discloses the program storage device of claim 139 wherein a digital signature authentication means is used in determining whether said access authorization indicator is valid based upon said identifier (Col 6 ln 24-32).

69. Regarding claim 146 –

Davis discloses the program storage device of claim 128 in which said method further comprises determining whether said one or more license terms are met (col 5 ln 42-49).

70. Regarding claim 147 –

Davis discloses the program storage device of claim 139 wherein: said software program comprises said access authorization indicator and said identifier; said access authorization indicator comprises terms of a license for use of said software resource; said identifier comprises a digital signature of said access authorization indicator (Col 5 ln 33-48).

71. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

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may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

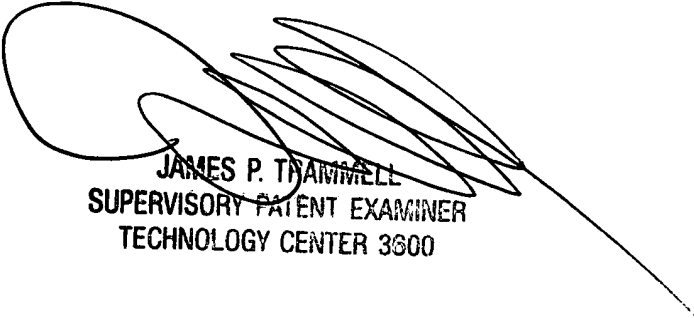
72. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

73. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

74. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

75. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

76. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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